DOCUMENT A00832

APPENDIX D MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION WATER QUALITY CERTIFICATE

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Project No. 604428

APPENDIX D

SILVER LINE GATEWAY CHELSEA, MA

WATER QUALITY CERTIFICATION Issued by: Massachusetts Department of Environmental Protection Transmittal # X259698

CATEGORY 2 MASSACHUSETTS GENERAL PERMIT
Issued By:
US Army Corps of Engineers, NE District, Regulatory Division
File No. NAE-2013-02144



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK Governor RICHARD K. SULLIVAN JR. Secretary

> DAVID W. CASH Commissioner

June 13, 2014

MassDOT – Highway Division Ten Park Plaza, Room 4260 Boston, MA 02116 Attn: Susan McArthur TRANSMITTAL # X259698

RE:

WATER QUALITY CERTIFICATION

Application for: BRP WW 10

MAJOR FILL AND EXCAVATION PROJECTS - ROADWAY PROJECT

AT:

Silver Line Gateway

Chelsea

Boston Harbor Watershed

Dear Ms. McArthur:

The Department of Environmental Protection ("MassDEP") has reviewed your application for a Water Quality Certification, as referenced above. In accordance with the provisions of MGL Ch. 21, §§26-53 and Section 401 of the Federal Clean Water Act as amended (33 U.S.C. §1251 et seq.), it has been determined there is reasonable assurance the proposed project will be conducted in a manner which will not violate applicable water quality standards (314 CMR 4.00) and other applicable requirements of state law.

The proposed project entails the extension of the Silver Line Bus Rapid Transit (BRT) service from South Station and the Seaport District in Boston through Chelsea and East Boston. The construction of a section within the former Grand Junction (CSX) Railroad Right of Way (ROW) located between Griffin Way and Cottage Street and a shared-use path adjacent to the BRT will require the unavoidable loss of 13,798 square feet (sf) of Isolated Vegetated Wetland (IVW). There are two (2) areas of IVW within the CSX Railroad ROW. Mitigation will consist of the construction of vegetated swales with sub-drains to mitigate the loss of functions for the IVW's. The mitigation area will be 14,125 sf with storage volume of 14,610 cubic feet. The swales will be constructed between the bus lanes and the shared-use path. Additional stormwater measures will include the installation of deep-sump catch basins with drainage manholes and a drainage

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trunk line corridor. Stormwater management improvements will be provided throughout this section of the corridor.

The total length of the Silver Line BRT route is approximately 10.1 miles, of which approximately 8.9 miles will occur over existing roads. The project will require improvements to be made to an approximately 0.6 mile abandoned segment of the former CSX right-of—way which extends from Eastern Avenue to an underpass beneath the Broadway Bridge. No work is proposed within the jurisdiction of the Wetlands Protection Act. On December 3, 2013 the Chelsea Conservation Commission issued a Negative Determination and found that the IVW's were not an Area Subject to Protection under the Act.

These findings for the Silver Line Gateway project have been prepared in accordance with the provisions of M.G.L. c. 30; section 61 and 301 CMR 11.00. On December 27, 2013, the Secretary of Environmental Affairs, Richard K. Sullivan, Jr. issued a certificate (EOEA #15124) stating that this project requires the preparation of a mandatory Environmental Impact Report (EIR). The Secretary determined that a Single EIR (SEIR) could be filed.

On March 31, 2014, MassDot filed a SEIR. On May 16, 2014 the Secretary issued a certificate (EOEA #15124) stating that "...I hereby determine that the SEIR submitted for this project adequately and properly complies with MEPA..." A description of the potential impacts is described in this Water Quality Certificate WQC). A description of the mitigation measures is included in this WQC.

The Secretary stated in the May 16, 2014 Certificate that "...MassDOT should revise its calculations for removal of Total Suspended Solids (TSS) for the busway sections with swales and leaching catch basins in order to ensure consistency with the *Stormwater Management Handbooks...*"

In response, MassDOT has submitted revised TSS calculation worksheets. The calculated TSS removal rates are as follows:

- Busway section with the biofilter swale: Total TSS removal revised to 70%;
- Busway section with leaching basins: Total TSS removal revised to 55% with an assumed TSS rate for in-line leaching basins of half of off-line basins; and
- Busway section without swale or leaching basins: Total TSS removal revised to 25%

In addition, MassDOT| provided additional information to address the concerns/questions raised by MassDEP in its comment letter on the SEIR. Following review of this information the Department has determined that MassDOT has adequately demonstrated that the Stormwater Standards have been met to the maximum extent practicable and that the highest practicable level of stormwater management is being provided.

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The Department has reviewed the MEPA documents and the documents submitted in connection with the application for a permit. Based upon its review, the Department finds that implementation of the terms and conditions of this permit constitute all feasible measures to avoid damage to the environment and will minimize and mitigate such damage to the maximum extent practicable. Implementation of the mitigation measures will occur in accordance with the terms and conditions set forth in the permit.

Based on a review of information provided by the applicant, MassDEP finds that this project complies with the standards described under 314 CMR 9.06. Public notice was provided in the in the Chelsea Record on March 6, 2014 and in the Environmental Monitor on March 12, 2014. No comments were received during the public comment period which closed on March 27, 2014 and April 2, 2014 respectively.

MassDEP hereby grants a Water Quality Certification for this project subject to the following Special Conditions to maintain water quality, to minimize impact on waters and wetlands and to ensure compliance with appropriate state law:

- 1. This project could result in a violation of the water quality standards adopted by MassDEP's Division of Water Pollution Control. Therefore, reasonable care and diligence shall be taken by the applicant to ensure that the proposed activity will not violate Inland Water Class B criteria [314 CMR 4.05 (3)(b) and (5)].
- 2. All work shall be performed in accordance with the following documents and plans:
- Application for Water Quality Certificate dated February 27, 2014, Transmittal Form #X259698, with attachments.
- Plan entitled: "Silver Line Gateway in the City of Chelsea Suffolk County Section 401/404 Permit Application Plans" 9 sheets; Dated: February 2014.
- 3. MassDEP shall be notified of any changes in plans affecting waters or wetlands. MassDEP will determine whether the change(s) requires a revision to this Certification.
- 4. Prior to the start of work, the applicant shall provide MassDEP with 100% Design Plans that are signed and stamped by a Professional Engineer or Professional Land Surveyor.
- 5. Prior to the start of work, the applicant shall provide MassDEP with the name, address and phone number(s) of the person responsible for ensuring that all work complies with the conditions of this Water Quality Certification.
- 6. Prior to commencement of construction adequate erosion control measures shall be installed to protect all wetland resource areas. Erosion control measures may consist of, but are not limited to silt fence, staked hay bales, silt curtains/booms, silt bags, compost filter tubes, etc.

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- 7. A stockpile of erosion control materials shall be kept on-site at all times for emergency and routine replacement. The materials may include but is not limited to silt fence, hay bales, stone riprap, filter dikes, compost filter tubes or any other devices planned for use during construction.
- 8. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify MassDEP, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by MassDEP pursuant to this Certification.
- 9. Prior to commencement of construction "catch basin protection" measures, as shown on the detail on sheet 4 of 9 (Construction Detail Plan 2) shall be installed in all catch basins that may be impacted by construction.
- 10. The "catch basin protection" measures shall be inspected and cleaned or replaced, as necessary, throughout the duration of construction.
- 11. Work shall be performed in accordance with the Draft Construction Management Plan (CMP) that was included with the SEIR which described project activities and their anticipated construction sequencing, site access and truck routing, staging and site preparation, and Best Management Practices (BMPs) that will avoid and minimize adverse environmental impacts.
- 12. Street sweeping shall be performed as necessary, throughout construction, to prevent accumulated sediments/debris from entering the drainage system.
- 13. Application of water and/or calcium chloride for dust control shall be utilized as necessary.
- 14. The temporary gravel construction entrance/exit(s) shall be constructed as shown on the detail on sheet 4 of 9 (Construction Detail Plan 2) and adequately maintained throughout construction.
- 15. No more than 13,798 sf of Isolated Vegetated Wetland shall be permanently altered.
- 16. All vegetated swales/bioretention basin shall be constructed in accordance with the "Vegetated Swale" specification shown on sheet 3 of 9 (Construction Detail Plan 1).
- 17. The vegetated swale/bioretention basin shall be planted as shown on the "Typical Planting Layout" shown on sheet 3 of 9 (Construction Detail Plan 1).

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- 18. Upon completion of construction and stabilization of the site all erosion control barriers shall be removed.
- 19. No activity authorized by this Water Quality Certification may begin prior to the expiration of the 21-day appeal period or until a final decision is issued by MassDEP if an appeal is filed.
- 20. All submittals required by the Army Corps of Engineers Section 404 permit shall also be sent to the Department preferably via email to christopher.ross@state.ma.us

Failure to comply with this Certification is grounds for enforcement, including civil and criminal penalties, under MGL Ch. 21 §42, MGL Ch. 21A §16, or other possible actions/penalties as authorized by the General Laws of the Commonwealth.

This Certification does not relieve the applicant of the obligation to comply with other appropriate state or federal statutes or regulations.

NOTICE OF APPEAL RIGHTS

A) Appeal Rights and Time Limits

Certain persons shall have a right to request an adjudicatory hearing concerning certifications by MassDEP when an application is required: (a) the applicant or property owner; (b) any person aggrieved by the decision who has submitted written comments during the public comment period; any ten (10) persons of the Commonwealth pursuant to M.G.L. c.30A where a group member has submitted written comments during the public comment period; or (d) any governmental body or private organization with a mandate to protect the environment which has submitted written comments during the public comment period. Any person aggrieved, any ten (10) persons of the Commonwealth, or a governmental body or private organization with a mandate to protect the environment may appeal without having submitted written comments during the public comment period only when the claim is based on new substantive issues arising from material changes to the scope or impact of the activity and not apparent at the time of public notice. To request an adjudicatory hearing pursuant to M.G.L. c.30A, § 10, a Notice of Claim must be made in writing, provided that the request is made by certified mail or hand delivery to MassDEP, with the appropriate filing fee specified within 310 CMR 4.10 along with a DEP Fee Transmittal Form within twenty-one (21) days from the date of issuance of this Certificate, and addressed to:

Case Administrator
Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108

A copy of the request shall at the same time be sent by certified mail or hand delivery to the Department of Environmental Protection at:

Department of Environmental Protection Commissioner's Office One Winter Street, 2nd Floor Boston, MA 02108

B) Contents of Hearing Request

A Notice of Claim for Adjudicatory Hearing shall comply with MassDEP's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6), and shall contain the following information pursuant to 314 CMR 9.10(3):

- (a) the 401 Certification Transmittal Number;
- (b) the complete name of the applicant and address of the project;

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- (c) the complete name, address, and fax and telephone numbers of the party filing the request, and, if represented by counsel or other representative, the name, fax and telephone numbers, and address of the attorney;
- (d) if claiming to be a party aggrieved, the specific facts that demonstrate that the party satisfies the definition of "aggrieved person" found at 314 CMR 9.02;
- (e) a clear and concise statement that an adjudicatory hearing is being requested;
- (f) a clear and concise statement of (1) the facts which are grounds for the proceedings, (2) the objections to this Certificate, including specifically the manner in which it is alleged to be inconsistent with the MassDEP's Water Quality Regulations, 314 CMR 9.00, and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written Certification; and
- (g) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant, the owner (if different from the applicant), the conservation commission of the city or town where the activity will occur, the Department of Environmental Management (when the certificate concerns projects in Areas of Critical Environmental Concern), the public or private water supplier where the project is located (when the certificate concerns projects in Outstanding Resource Waters), and any other entity with responsibility for the resource where the project is located.

C) Filing Fee and Address

The hearing request along with a DEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
PO Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. MassDEP may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Should you have any questions relative to this permit, please contact Chris Ross at (508) 946-2813.

Very truly yours,

Philip Weinberg

MassDot Project Supervisor

= 477 I 12021

Christopher Ross

MassDOT Project Manager

PW/cr

cc: Chelsea Conservation Commission 500 Broadway, Room #101-104 Chelsea, MA 02150

Ecc DEP-NERO –Heidi Davis ACOE- Alan Anacheka-Nasemann



DEPARTMENT OF THE ARMY US ARMY CORPS OF ENGINEERS NEW ENGLAND DISTRICT 696 VIRGINIA ROAD CONCORD MA 01742-2751

March 19, 2014

Regulatory Division

File Number: NAE-2013-02144

Ms. Susan McArthur, Wetlands Unit Supervisor Massachusetts Department of Transportation – Highway Division 10 Park Plaza, Suite 4260 Boston, Massachusetts 02116

Dear Ms. McArthur:

We have reviewed your application to discharge fill material into 13,798 ft2 (0.30 acre) of emergent wetlands in order to extend the existing MBTA Silver Line Bus Rapid Transit Line from South Station and the Boston Seaport District to Chelsea and East Boston, MA. This project is located in unnamed wetlands on the former Grand Junction Railroad right-of-way between Cottage Street and Library Street, Chelsea, Massachusetts. The work is shown on the enclosed plans entitled "SILVER LINE GTATEWAY, CHELSEA, MA, SUFFOLK COUNTY", on 9 sheets, and dated "FEB. 2014".

Based on the information you have provided, we have determined that the proposed activity, which includes a discharge of dredged or fill material into waters or wetlands, will have only minimal individual or cumulative environmental impacts on waters of the United States, including wetlands. Therefore, this work is authorized as a Category 2 activity under the enclosed Federal permit known as the Massachusetts General Permit (GP). This work must be performed in accordance with the terms and conditions of the GP and also in compliance with the following special condition(s):

- 1. In order to ensure that the vegetated swales/bioretention areas replace on-site water quality functions of the existing wetlands, a Vegetated Swale/Bioretention Basin Construction Report must be forwarded to this office by December 31 in the year of completion of all construction activities, or by an approved extension. For purposes of this special condition, "completion" means all activities associated with site grading, seeding, planting and/or transplanting. The construction report must include the following:
 - a. An "as-built" plan view which includes a topographic survey of the vegetated swale areas/bioretention basins at 0.5 foot contour intervals, and with respect to the transportation corridor and multiple-use trail.
 - b. Photographs from fixed locations, along with a photo-location map.
 - c. A list of plants introduced through seeding and/or planting.
 - d. Water depth and date of measurement from representative locations within the construction area. The sample points will be fixed locations and shall be plotted on the photo-location map.

- e. A list of any modifications that were made from the original plan.
- 2. Except where stated otherwise, reports, drawings, correspondence and any other submittals required by this permit shall be marked with the words "Permit No. NAE-2013-02144" and shall be submitted via: a) MAIL: PATS Branch Regulatory Division, Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, or b) FAX: (978) 318-8303. Documents which are not marked and addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit. Requirements for immediate notification to the Corps shall be done by telephone to (978) 318-8338.

You are responsible for complying with all of the GP's requirements. Please review the enclosed GP carefully, in particular the GP conditions beginning on Page 6, to familiarize yourself with its contents. You should ensure that whoever does the work fully understands the requirements and that a copy of the permit document and this authorization letter are at the project site throughout the time the work is underway.

This determination becomes valid only after the Massachusetts Department of Environmental Protection (MassDEP) issues or waives Water Quality Certification (WQC) as required under Section 401 of the Clean Water Act. In the event the MassDEP denies the 401 WQC, this determination becomes null and void. The address of the MassDEP Regional office for your area is provided in the enclosed GP.

Your project is located within, or may affect resources within the coastal zone. The Massachusetts Office of Coastal Zone Management (CZM) has already determined that no further Federal Consistency Review is required.

This GP expires on January 20, 2015. Activities authorized under this GP that have commenced (i.e., are under construction) or are under contact to commence before this GP expires will have until January 21, 2016 to complete the activity under the terms and general conditions of the current GP. For work within Corps jurisdiction that is not completed by January 21, 2016, you will need to reference any reissued GP to see if your project is still authorized under Category 1 (no application required), or Category 2 (application required). If it is no longer authorized you must submit an application and receive written authorization before you can continue work within our jurisdiction. Please contact us immediately if you change the plans or construction methods for work within our jurisdiction. This office must approve any changes before you undertake them.

This authorization requires you to complete and return the enclosed Work Start Notification Form(s) to this office at least two weeks before the anticipated starting date. You must also complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals).

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This authorization presumes that the work as described above and as shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, submit a request for an approved jurisdictional determination in writing to this office.

This permit does not obviate the need to obtain other federal, state, or local authorizations required by law, as listed on Page 2 of the GP. Performing work not specifically authorized by this determination or failing to comply with any special condition(s) provided above or all the terms and conditions of the GP may subject you to the enforcement provisions of our regulations.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://corpsmapu.usace.army.mil/cm apex/f?p=regulatory survey.

Please contact Alan Anacheka-Nasemann, of my staff, at 978-318-8214, or via e-mail at: alan.r.anacheka-nasemann@usace.army.mil if you have any questions.

Sincerely,

Robert J. DeSista

Acting Chief, Regulatory Division

Enclosures

Copies Furnished:

Ed Reiner, U.S. EPA, Region 1, Boston, Massachusetts, reiner.ed@epa.gov Christopher Ross, DEP SERO, Wetlands and Waterways, Lakeville, Massachusetts, Christopher.Ross@state.ma.us

Robert Boeri, Coastal Zone Management, Boston, Massachusetts, Robert.Boeri@state.ma.us Chelsea Conservation Commission, City Hall, 500 Broadway, Room #101-104, Chelsea, MA 02150

Thomas Keough, AECOM, Chelmsford, MA, Thomas.Keough@aecom.com



GENERAL PERMIT WORK-START NOTIFICATION FORM

(Minimum Notice: Two weeks before work begins)

************	************
* MAIL TO: U.S. Army Corps of Engineers, New	
* Permits and Enforcement Branch	*
* Regulatory Division* 696 Virginia Road	*
* Concord, Massachusetts 01742-275	*

Corps of Engineers Permit No. NAE-2013-02144 was on March 19, 2014. This work is located in unnamed Railroad Right of Way between Cottage Street and The permit authorized the permittee to discharge fill the emergent wetlands in order to extend the existing Line from South Station and the Boston Seaport Discharge (e.g., contractor) listed below will do the veconditions and limitations.	d wetlands at the former Grand Junction Library Street, Chelsea, Massachusetts. material into 13,798 ft2 (0.30 acre) of MBTA Silver Line Bus Rapid Transit istrict to Chelsea and East Boston, MA.
PLEASE PRINT OR TYPE	
Name of Person/Firm:	41.
Business Address:	
Telephone Numbers: ()	(
Proposed Work Dates: Start:	Finish:
Permittee/Agent Signature:	Date:
Printed Name:	Title:
Date Permit Issued: ***********************************	
PM: Anacheka-Nasemann Submitt	als Required: <u>YES</u>
Inspection Recommendation:	
	Alt



(Minimum Notice: Permittee must sign and return notification within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

Permit Number:	NAE-2013-02144				
Project Manager	: Anacheka-Nasemann				
Name of Permitt	ee: MassDOT – Highway	y Division			
Permit Issuance	Date: <u>March 19, 2014</u>				
and any mitigation	ertification and return it to to required by the permit. Ye tion monitoring, which req	ou must subr	mit this after the mitigation		
*******	********	******	******	*****	
	U.S. Army Corps of Engir		ngland District	*	
*	Permits and Enforcement	Branch A		*	
*	Regulatory Division			*	
*	696 Virginia Road	1740 0751		* *	
* Concord, Massachusetts 0174 *************			*******	******	
Corps of Engineer permit suspension I hereby certify taccordance with	our permitted activity is substrained activity is substrained. If you fail, modification, or revocation that the work authorized the terms and conditions ompleted in accordance were	il to comply von. by the above of the above	with this permit you are so referenced permit was referenced permit, and	ubject to	
Signature of Perm	ittee		Date		
Printed Name			Date of Work Complet	ion	
)		
Telephone Numb	or .	Teler	hone Number		



Portion of Boston North and Boston South 1:25000 USGS quadrangles. Source: Esri

Proposed Project

Figure 1 **Project Locus Map** Chelsea, Massachusetts

October 2013

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

PLAN AND PROFILE OF

SILVER LINE GATEWAY

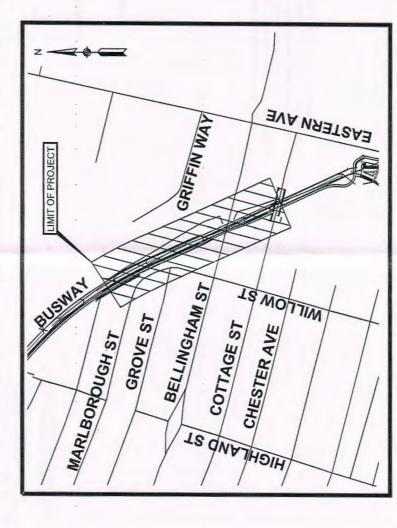
IN THE CITY OF

CHELSEA

SUFFOLK COUNTY

FEDERAL AID PROJECT NO.

SECTION 401/404 PERMIT APPLICATION PLANS



CONSTRUCTION DETAIL PLAN

EXISTING CONDITION PLAN PROPOSED SITE PLAN

LEGEND & GENERAL NOTES

TITLE SHEET & INDEX

INDEX

0 250 500 750 1000 SCALE: 1" = 500' WILL PLOT TO SCALE ON 11"X17" FORMAT

DATE: FEBRUARY 2014

APPROXIMATE LENGTH OF PROJECT = 1.3 MILES



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BENEERAL NOTES THE EDISTING CONDITIONS SHOWN ON THIS BASEBWP ARE THE REISULT AN ARRIVAN WERNARD AN SETTING AND			APPLICATION BY: MASSACHUSETTS DEPARTMENT OF TRANSPORTATION PREPARED BY: AECOM, 250 APOLLO DRIVE, CHELMSFORD, MA 01824	DATE: FEB 2014 SCALE: NA
JERSEY BARRIER ON BRIDGE OR JERSEY BARRIER CATCH BASIN CURB INLET FLAG POLE SAS PURI BOX POST'S GUAR P	BORDER OF WETLAND 100 FT WETLAND BUFFER 200 FT RIVERRRONT BUFFER — STATE HIGHWAY LAYOUT — COINTY AYOUT	—COUNTY LAYOUT —RALICAOD SIDELINE TOWN OR CITY BOUNDARY LINE PROPERTY LINE OR APPROXIMATE PROPERTY LINE	EASEMENT	
EXISTING EXISTI				AECOM

